

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 VIACOM INTERNATIONAL, INC., COMEDY)
4 PARTNERS, COUNTRY MUSIC.)
5 TELEVISION, INC., PARAMOUNT)
6 PICTURES CORPORATION, and BLACK)
7 ENTERTAINMENT TELEVISION, LLC,)

8 Plaintiffs,)

9 vs.)

NO. 07-CV-2203

10 YOUTUBE, INC., YOUTUBE, LLC,)
11 and GOOGLE, INC.,)

12 Defendants.)

13 THE FOOTBALL ASSOCIATION PREMIER)
14 LEAGUE LIMITED, BOURNE CO., et al.,)
15 on behalf of themselves and all)
16 others similarly situated,)

17 Plaintiffs,)

18 vs.)

NO. 07-CV-3582

19 YOUTUBE, INC., YOUTUBE, LLC, and)
20 GOOGLE, INC.,)

21 Defendants.)

22 HIGHLY CONFIDENTIAL
23 VIDEOTAPED DEPOSITION OF DAVID KING
24 SAN FRANCISCO, CALIFORNIA
25 FRIDAY, DECEMBER 12, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 16211

Figueira Decl. Tab

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1 KING 77-0002

2 THE WITNESS: I'm aware of a technical
3 discussion about the requirements for a video
4 identification system that could meet the needs of
5 YouTube.

6 (Document marked King Exhibit 21
7 for identification.)

8 THE WITNESS: Okay. Can I dispose of this
9 one?

10 MR. HART: Don't dispose of it. You can put
11 it in front of the court reporter, though,
12 from Mr. Mancini's lexicon of nitpicking.

13 See, I got him to smile. There you go.

14 MR. MANCINI: I prefer not to.

15 MR. HART: You prefer not to smile. I know.
16 You object to smiling.

17 Q Okay. Before we get into this document in
18 any depth, Mr. King, are you aware of discussions
19 internally at YouTube/Google to turn any of the
20 content identification systems or technology into
21 products that YouTube/Google could license to
22 third-party websites?

23 MR. MANCINI: Objection to form and objection
24 to the extent it seeks any legal communications with
25 counsel.

1 KING 77-0003

2 MR. HART: I don't want your communications
3 with counsel.

4 THE WITNESS: There we have had --

5 MR. MANCINI: I just want to caution the
6 witness --

7 THE WITNESS: Yes.

8 MR. MANCINI: -- not to discuss either any
9 communications with counsel which are privileged or
10 the results of communications with counsel, which are
11 also privileged. Other than that, you can -- you can
12 communicate -- you can discuss this subject.

13 THE WITNESS: So once again, what was your
14 question?

15 MR. HART: Let's read it back.

16 (Whereupon, record read by the Reporter as
17 follows:

18 "Question: Okay. Before we get into this
19 document in any depth, Mr. King, are you
20 aware of discussions internally at
21 YouTube/Google to turn any of the content
22 identification systems or technology into
23 products that YouTube/Google licensed
24 to third party websites?")

25 MR. HART: Could license to third parties.

KING

77-0004

THE WITNESS: I think our video identification platform is a -- is a platform that we're proud of, and we have considered making it available to third-party websites.

MR. HART: Okay. Thank you.

Q And if you could just quickly identify for me what we've marked as Exhibit 21?

MR. MANCINI: Identify in which way?

MR. HART: Q. Well, I guess, first, is it -- is this consistent with your usual practice as an e-mail that you had received in the ordinary course at YouTube?

A So based on the file header that I see here, it would appear that this is an e-mail I did receive in December of 2007. Is that -- does that answer your question?

Q Yeah, that's fine.

And if you would just look at the sentence immediately below the heading "Overview" on the first page, and there's a sentence, quote, "The purpose of this project is to explore opportunities to open the video identification API to third-party UGC sites."

Do you see that sentence?

A I see that sentence.